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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JEFFREY KINZLE,

9 Plaintiff,

10 v.

11 NEAL K. MILLER, WASHINGTON
12 CORRECTIONS CENTER,

Defendants.

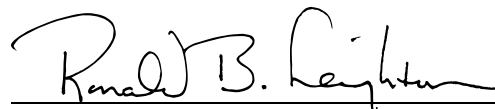
No. C16-5203 RBL-KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

13 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen
14 L. Strombom, objections to the Report and Recommendation, if any, and the remaining record,
15 does hereby find and **ORDER:**

- 16 (1) The Court adopts the Report and Recommendation [Dkt. #9].
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18 (2) This action is **dismissed without prejudice** for failure to state a claim upon
19 which relief may be granted, and the **dismissal shall count as a strike under 28**
20 **U.S.C. § 1915(g).**
21
22 (3) Plaintiff's motion for the appointment of counsel (Dkt. 7) is **DENIED.**
23
24 (4) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon.
25 Karen L. Strombom.
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DATED this 7th day of June, 2016.



Ronald B. Leighton
United States District Judge